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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,901	12/05/2001	Jim Bruton	[2011.001] 353.001	7210

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GEHRKE & ASSOCIATES, S.C.
123 N. 86th ST
WAUWATOSA, WI 53226

EXAMINER

SMITH, CHENEA

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/005,901

Applicant(s)

BRUTON, JIM

Examiner

Chenea P. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (US6675386, hereinafter Hendricks).

Regarding claim 1, Hendricks discloses a wireless (see col 10, lines 22-23), telephone-based (see col 2, lines 60-61) satellite-linked (see col 15, line 55) communication system for transmitting a present-time signal to any point on the earth (see col 2, lines 64-67), comprising a digital-based wireless telecommunication system (cellular network, see col 6, line 18) adapted to obtain visual and auditory information (see col 5, lines 20-22 and col 3, lines 43-47) of a present-time event (see col 3, line 67 and col 4, lines 1-2) at one point on the earth (see col 2, lines 64-67) and to produce a digital-based signal (video compression, see Fig. 3A, #118) corresponding to the present-time event (see col 6, lines 11-12) and a digital-based (see col 23, lines 12-14) satellite-linked (see col 15, line 55) telecommunication system (see col 15, lines 61-62)

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operatively connected to the wireless telecommunication system (see Fig. 3) and adapted to receive the digital-based signal corresponding to the present-time event (see col 6, lines 29-30 and Fig. 3) and to transmit to substantially any other point on the earth the digital-based signal corresponding to the present-time event (see col 6, lines 30-32), wherein the transmitted digital-based signal has an error-to-signal ratio sufficiently low as to be deemed substantially satisfactory to a select number of viewers (see col 4, lines 5-8) (The Bit Error Ratio (BER), or error-to-signal ratio, is an indication of how often a data unit has to be retransmitted because of an error. Too high a BER may indicate that a slower data rate (i.e. one that matches, as opposed to one that is greater than) the highest speed of the viewer's machine would actually improve overall transmission time for a given amount of transmitted data by lowering the number of data units that had to be re-sent, and therefore reducing the BER sufficiently low as to be deemed substantially satisfactory the viewer).

Regarding claim 2, Hendricks discloses a system wherein the select number of viewers is a select number of global television (signal is transmitted to digital cable head end, and from there to users via the Internet, see col 22, lines 50-60) and computer monitor (see Fig. 10, #302) viewers around the world via the Internet (see col 3, lines 65-67).

Regarding claims 3 and 6, Hendricks discloses a system wherein a transmitted digital-based signal is viewed live by the select number of global television (signal is transmitted to digital cable head end, and from there to users via the Internet, see col 22, lines 50-60) and computer monitor (see Fig. 10, #302) viewers around the world via the Internet (see col 3, line 67 and col 4, lines 1-2).

Regarding claims 4 and 7, Hendricks discloses a system wherein a digital-based wireless telecommunication system includes a video compression device (see col 6, lines 11-12) for producing digital-based compressed video signals corresponding to compressed visual information of the present-time event, and wherein a satellite-linked telecommunication system is further adapted to receive (see col 6, lines 29-30 and Fig. 3) the digital-based compressed video signals and to transmit (see col 6, lines 30-32) to substantially any other point on the earth the digital-based compressed video signals, wherein the transmitted digital-based compressed video signals have an error-to-signal ratio sufficiently low as to be deemed substantially satisfactory (see col 4, lines 5-8) (The Bit Error Ratio (BER), or error-to-signal ratio, is an indication of how often a data unit has to be retransmitted because of an error. Too high a BER may indicate that a slower data rate (i.e. one that matches, as opposed to one that is greater than) the highest speed of the viewer's machine would actually improve overall transmission time for a given amount of transmitted data by lowering the number of data units that had to be re-sent, and therefore reducing the BER sufficiently low as to be deemed substantially satisfactory the viewer) to the select number of global television (signal is transmitted to digital cable head end, and from there to users via the Internet, see col 22, lines 50-60) and computer monitor (see Fig. 10, #302) viewers around the world via the Internet (see col 3, lines 65-67).

Regarding claim 5, Hendricks discloses a wireless, telephone-based satellite-linked communication system for transmitting a present-time signal to any point on the earth, comprising a digital-based wireless telecommunication system (see Fig. 3A) adapted to obtain visual and auditory information (see col 5, lines 20-22 and col 3, lines 43-47) of a present-time event (see col 3, line 67 and col 4, lines 1-2) at one point on the earth and to produce a digital-

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based signal corresponding to the present-time event (see col 6, lines 11-12) and a digital-based satellite-linked telecommunication system (see col 6, lines 13-17 and Fig. 3) operatively connected to the wireless telecommunication system (see Fig. 3) and adapted to receive the digital-based signal corresponding to the present-time event (see col 6, lines 29-30 and Fig. 3) and to transmit to substantially any other point on the earth the digital-based signal corresponding to the present-time event (see col 6, lines 30-32), wherein the transmitted digital-based signal has an error-to-signal ratio sufficiently low as to be deemed substantially satisfactory to a select number of viewers (see col 4, lines 5-8) (The Bit Error Ratio (BER), or error-to-signal ratio, is an indication of how often a data unit has to be retransmitted because of an error. Too high a BER may indicate that a slower data rate (i.e. one that matches, as opposed to one that is greater than) the highest speed of the viewer's machine would actually improve overall transmission time for a given amount of transmitted data by lowering the number of data units that had to be re-sent, and therefore reducing the BER sufficiently low as to be deemed substantially satisfactory the viewer), and wherein the select number of viewers is a select number of global television (signal is transmitted to digital cable head end, and from there to users via the Internet, see col 22, lines 50-60) and computer monitor (see Fig. 10, #302) viewers around the world via the Internet (see col 3, lines 65-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chenea P. Smith whose telephone number is (571) 272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chenea P. Smith
3/28/2007


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